

PAMPANGA SUGAR MILLS, PETITIONER, VS. REGINA GALANG VDA. DE ESPELETA, PEDRO P. PELAEZ, AS HEARING REFEREE OF THE WORKMEN'S COMPENSATION COMMISSION, & BENITO MACROHON, AS PROVINC...

G.R. No. L-24073. January 30, 1968

Ponente: FERNANDO, J.

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FERNANDO, J.:

In this petition for certiorari and mandamus, with preliminary injunction, filed on January 27, 1965, respondent Macrohon, as Provincial Sheriff of Rizal, was sought to be enjoined from continuing with the enforcement of a writ of execution issued by another respondent, Pedro P. Pelaez, acting as hearing referee of the Workmen's Compensation Commission to enforce an award of compensation for the death of a deceased employee of petitioner in favor of his widow, the third respondent, Regina Galang Vda. de Espeleta. The petition was premised on the fact that while petitioner presented "good and valid defenses" against such a claim, a decision was rendered granting such compensation which was sought to be reconsidered, but the petition for review unfortunately was not filed within the reglementary period, a messenger of counsel for petitioner, "due to voluminous work in following up and filing of papers conducted with other [equally] urgent legal matters" having failed because of alleged excusable neglect to file the same on time. Petitioner would have it that in its favor were good and valid defenses, namely: "a. That the complaint was filed out of the [two months] reglementary period prescribed by Section 24 of the Workmen's Compensation Act, the same having been filed [two years and six months] after the death of the deceased; and b. That the nature of the disease described as 'Cerebral Infraction due to Internal Hemorrhage caused by Hypertension' was in no logical way connected with the nature of the work performed by the said deceased." We issued, in a resolution dated February 1, 1965, the writ of preliminary injunction upon petitioner posting a bond of P2,000, and ordered respondents to answer within Ten (10) days from notice.

In a two-page answer of respondent widow, Galang Vda. de Espeleta, filed on February 22, 1965, there was an admission of a decision being rendered in her favor by a regional office of the Department of Labor coupled with a vehement denial that such an award "was rendered in total disregard of the defenses" set forth in the petition, the truth of the matter, according to her, being that the claim was meritorious. There was likewise a denial of the allegations of the petition insofar as it alleged "excusable negligence with the averment that the aforesaid respondent "has no knowledge sufficient to form a belief as to the truth thereof." One of her special affirmative defenses was to the effect that the petition "is frivolous and merely intended for delay, for settled is the rule in this jurisdiction that certiorari is not the remedy to obtain the review of a decision which has already become final, * * *." It was respondent Galang Vda. de Espeleta's prayer that the writ of preliminary injunction be dissolved and that "the writ of execution be given due course to satisfy [her] just claims."

The answer of respondent Pelaez, likewise filed on February 22, 1965, was much more detailed. Again there was an admission of the defenses mentioned by him but a denial that said defenses "are good and valid; on the contrary, the same was found to be unmeritorious and ineffective; * * *." [1] There was an admission likewise that

a decision was rendered by respondent in favor of the widow Galang Vda. de Espeleta and a denial that it was "in total disregard of the defenses" of petitioner, the reason according to the answer being that such defenses which were fully considered were found "to be ineffective and unmeritorious;" to show which a copy of such decision was annexed to the answer.[2] The rest of the answer dealt mainly with a denial of the allegation of the petition that the failure to file the pleading for review on time could be considered as excusable neglect. The prayer was for a dissolution of the writ of preliminary injunction and the dismissal of the petition.

As above noted, the answer of respondent Pelaez included a copy of his decision as acting referee granting the award in favor of the claimant widow, respondent Galang Vda. de Espeleta, on her own behalf and as guardian of her minor child, the amount of P4,000.00 as death compensation benefits, minus the sum of P100.00 previously advanced and counsel's fee in the amount of P200.00. The defense of prescription was rejected by respondent Pelaez. It was his view that with free medical and hospital assistance being extended to the deceased, the amount of P200.00 likewise having been given to the widow for funeral expenses plus the additional sum of P150.00 as financial help, there was "an advance payment and recognition of the right of the claimants to compensation benefits, and therefore, non-compliance of the provisions of said Section 24 is condoned."

Moreover, such decision took note of the failure to controvert the claim. Thus: "Conversely, the evidence shows that the respondent has not complied with the regular requirement to report to this Office the death of the late Espeleta within a period of 14 days after such death, or 10 days from knowledge or notice thereof. Under the law and as held by our Supreme Court in the case of General Shipping Co. v. Workmen's Compensation Commission, et al., G.R. No. L-14936, July 30, 1960, the failure of the respondent to make the required report constitutes a renuncia-tion of its right to controvert the claim, thereby constructively admitting that it is compensable. Having lost its right to controvert the claim and not having reinstated it in accordance with the procedure provided by law, the respondent cannot at this stage set up the defense of prescription. This is implied from its having lost its right to dispute the claim." [3]

In the memorandum for petitioner in lieu of oral argument filed on June 4, 1965, there was an admission of its failure to controvert the claim of respondent Galang Vda. de Espeleta but an assertion relying primarily on American cases, citing in addition Manila Railroad Co. v. Workmen's Compensation Commission,[4] that such failure cannot in any way validate an invalid claim. "Such must be valid and effectual in the first place."

Such a plea is unavailing, the failure to controvert is fatal to its defense of the claim having been filed out of time. To speak of the past year alone, eight decisions may be cited opposed to such a contention of petitioner.[5] There would be no need therefore to pass on the plea that a petition for review should be allowed as there was an excusable negligence on account of the failure to file the same on time. For at any rate, in view of its failure to controvert, the award must be sustained.

It is worth noting that in National Development Co. v. Ayson,[6] the claimant was dismissed from employment on June 23, 1953, but it took her until February 27, 1961, or almost eight years later, before she started to have her rights enforced under the Workmen's Compensation Act. In National Development Co. v. Rongavilla,[7] this Court, through Justice Zaldivar, stated: "On May 31, 1960, after almost nine (9) years from the time she was discharged by the National Development Co., the employee, through counsel, filed with the Regional Office No. 4 of the Department of Labor, Manila, a claim for disability compensation because of pulmonary tuberculosis." Nonetheless, it was held that such failure to file on time notwithstanding, "when it is shown that the employer has not manifested to the Workmen's Compensation Commission his intention to controvert the right to compensation, * * *, the Workmen's Compensation Commission can proceed to determine and decide the claim for compensation."

In *Manila Railroad Co. v. Workmen's Compensation Commission*,^[8] there was this categorical declaration from this Court, through Justice Sanchez, that "petitioner's failure to explain lack of controversion for an unreasonable length of time constitutes 'a renunciation of his right to challenge the claim.'"^[9] In the latest decision of this Court, the opinion being penned by Justice Castro, the principle is restated thus: "Having failed to file its controversion on time, the petitioner thereby waived or renounced 'by operation of law' its right to question the validity or reasonableness of the respondent's claim for compensation."

WHEREFORE, this petition for certiorari and mandamus is denied and the writ of preliminary injunction lifted. With costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, and Angeles, JJ., concur.

[1] Answer of respondent Pelaez, par. 2.

[2] Answer of respondent Pelaez, par. 3.

[3] Decision of respondent Pelaez as acting referee, Annex 1 of Answer, p. 7. The following cases were cited: *General Shipping Co. v. Workmen's Compensation Commission*, et al. G.R. No. L-14936, July 30, 1960; *Bachrach Motor, Inc. v. Panaligan*, et al. G.R. No. L-8589, May 25, 1956; *Victorias Milling Co. v. Workmen's Compensation Commission* et al., G. R. No. L-10533, May 13, 1957; *National Development Co. v. Workmen's Compensation Commission*, et al., G. R. No. L-19863, April 29, 1964.

[4] L-18388, June 28, 1963.

[5] *Nat. Dev. Co. v. Workmen's Compensation Com.*, L-21724, April 27, 1967; *Rep. of the Phil. v. Workmen's Compensation Com.* L-22650, April 28, 1967; *Nat. Dev. Co. v. Ayson*, L-23450, May 24, 1967; *Manila Railroad Co. v. Workmen's Compensation Com.*, L-21902, Aug. 10, 1967; *Nat. Dev. Co. v. Rongavilla*, L-21963, Aug. 30, 1967; *Rio y Cia v. Workmen's Compensation Com.*, L-21467, Aug. 30, 1967; *Manila Railroad Co. v. Workmen's Compensation Com.*, L-21544, Sept. 15, 1967; *Talisay-Silay Milling Co. v. Workmen's Compensation Com.*, L-22096, Sept. 29, 1967.

[6] L-23450, May 24, 1967, 1967 B Phil. Law Dec. 427.

[7] L-21963, Aug. 30, 1967, 1967 C Phil. Law Dec. 477.

[8] L-21504, September 15, 1967.

[9] *ITEMCOP v. Florzo*, L-21969, Aug. 31, 1966; *NADECO v. Ayson*, L-23450, May 24, 1967; *Manila Railroad Co. v. Workmen's Compensation Commission*, L-21900, Aug. 10, 1967.

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